

PRESIDENT IS SURE FOR TAFT

(Continued from Page Three.)

county, which includes the city of Cleveland have made it so hot for the Taftites that Representative T. E. Burton has gone streaking back to Cleveland to assume command of the Taft forces. An appeal has been made to that subcommittee of the National Committee which dealt with the subject of the call for the convention whether the Ohio primary law can be properly observed in the election of delegates. Two of the members of that subcommittee, John W. Yerkes of Kentucky, and Gen. Frank S. Streeter of New Hampshire, the latter an ardent Taft man and aspirant for the United States Senate, have decided that the Ohio primaries are all right and that delegates can be elected under that law which the National convention should recognize.

The advance which the Taft boom is making continues to be quite as much through the weakness of his opponents as because of his own strength. There is no one to oppose the Secretary of War with, as has been remarked very many times. The favorite sons seem to be making no headway outside of their own states. The Hughes boom lasts, as of yore, because of the air of mystery with which the Governor surrounds himself and his unwillingness to communicate his opinions on public questions. The public mind in the western states has been poisoned against him by the insinuations from administration sources. Many ultra Roosevelt advocates are very strongly of the opinion that Gov. Hughes is not the kind of a man who ought to fill the Presidential chair and these views are accentuated by reference to Gov. Hughes having once been the personal attorney of John D. Rockefeller.

The strength of the Cannon boom seems to have been waning ever since the committees of the House of Representatives were announced. There are forceful signs that the Speaker still has his lightning rod up as high as ever, but a lot of members are sore over the way he treated them and his boom seems to be growing weaker and weaker in the House, where individuals as well as the organization of Republican members were counted upon to do wondrous things in pushing his boom ahead.

Only the choice of delegates, as the conventions meet and declare preferences, will determine just how strong the rival candidates are. The Taft people are trying to hasten conventions the country over as much as possible in the belief that, with the opposition so disorganized, Secretary Taft's opportunity is to gather in all the delegates possible at the earliest possible day. While an early state convention will be held in Ohio for the choice of four delegates at large it will probably be well along into the spring before all the Congressional conventions in that state are held. The Foraker people will see to that and will prevent the Secretary from going into other states with the claim that he is to have a solid Buckeye delegation.

Very much depends upon what happens in New England and New York. New England is the stronghold of the doctrine of uninstructed delegates and as that section has 62 delegates likely to act in unison its capitulation to Secretary Taft would be a tremendous victory likely to go far toward assuring him the nomination. Before the conventions for the nomination of delegates are held the Secretary will have spoken in nearly all the New England states. It is more than probable that the states have been fixed in most of the states and the names of the prospective delegates are known to the political leaders, who have been careful to pick only those men who can be relied upon to oppose the Secretary in the convention, unless he gets the majority of the delegates from other states.

There have been some interesting developments with reference to the Cortelyou boom, for the Secretary of the Treasury does not allow himself to be entirely counted out. He is no longer regarded seriously as a candidate for the President is credited with having struck his boom a stunning blow. However, Mr. Cortelyou, although long ill with the grip, mustered strength enough to follow the Secretary of War over to New York and to make an address himself in New York City the very night after Secretary Taft had made an address there. This was taken to be significant and as indicating that the Secretary of the Treasury did not propose his colleague in the cabinet should go over to his own halfback and proselyte for support without the Secretary of the Treasury coming on the scene.

The relations between the President and Secretary Cortelyou are strained. While one is not justified in prophesying that Mr. Cortelyou will resign from the cabinet it need not cause any surprise if that happens at any time. President Roosevelt does not take kindly to the Cortelyou boom and Mr. Cortelyou resents keenly the efforts

BETTER TO HAVE LET HIM ALONE

By a unanimous opinion of the Supreme Court, written by Justice Wilder, the judgment of the First Circuit Court in favor of F. R. Harris and against Byron O. Clark is vacated. H. G. Middleditch was attorney for plaintiff, and S. B. Kingsbury for defendant. The law of the case is thus stated:

"In an action of assumpsit in order to remove the bar of the statute of limitations the evidence must show, which it does not in this case, either an express promise or an unqualified and direct admission of debt which the party is liable and willing to pay, without accompanying circumstances which repel the presumption of a promise."

As related in the opinion the story of the case contains a moral like that of the proverb of "the bitter bitten." Before Mr. Clark left California he was advised by this very Mr. Harris to take relief from his financial reverses in the bankruptcy law. He declined the advice, telling Harris and others of his determination, when he got on his feet again, to pay all his California obligations in full.

Mr. Clark had a hard struggle, with other Wahiawa farmers, against various adverse conditions for some years after coming here. He was getting his affairs into pretty good shape here when, in the summer of 1905, the local attorney who prosecuted this case notified him that he had received the note in question from Harris to collect.

He wrote to Harris expressing surprise at his action and saying he had been badgered and hampered by old California creditors, who evidently did not wish him to get on his feet. Though he had often thought of taking Harris's advice to go through bankruptcy, Harris knew he declined to do so and had been steadfast against it. "But for you," he went on to say, "whom I have always considered one of my best friends, to push me, now that I can see some hope of getting out of debt with my wife's assistance and being able to pay you as well as others, makes me feel as if I will not struggle any longer against the fate of a debtor, but take advantage of the law which in itself is just but so often abused. I can assure you, Mr. Harris, if I am left alone I will come out all O. K., but I am not going to pay lawyers fighting old claims much longer."

This letter just quoted from and letters to the attorney, as well as conversations, were pleaded in the suit as revivals of the obligation at issue over the statute of limitations, but the Supreme Court, on a careful review of the facts and the authorities, sets aside the contention. The Justices say in conclusion:

"We are therefore of the opinion that these letters and conversations, whether taken singly or as a whole, are not sufficient to show a new promise. At the most the expressions are equivocal, vague and indeterminate, leading to no certain conclusion, but at best to probable inferences which may affect different minds in different ways," which, as shown above, are not enough."

AN INDIAN NOBLEMAN USES CHAMBERLAIN'S COUGH REMEDY.

You will see by the following that Chamberlain's Cough Remedy is a favorite in the palace as well as with the humble people in India: "For the past four years I have been getting large supplies of Chamberlain's Cough Remedy, not only for myself but for friends and relatives. I cannot say enough in praise of this remedy. It is a never failing cough and cold medicine and I always keep a supply of it in my house, and in His Highness's, the Elaya Rajah's palace. It is one of my traveling companions. I shall never feel tired of recommending it as I have been doing in the past."—N. Runga Row, Private Secretary to His Highness, the Elaya Rajah of Travancore. For sale by all dealers. Benson, Smith & Co., Ltd., Agents for Hawaii.

The President has made to discredit him as a candidate with the voters of the country. Whatever his chance of securing the nomination may have been, Mr. Cortelyou thinks that he should have had more considerate treatment from the man in the White House.

J. Pierpont Morgan has been in Washington within a few days, visiting Secretary Cortelyou, and the rumor has been revived that the Secretary is about to take employment with a banking institution in New York City. The presidency of a big institution over there awaits him the moment he will give the word. But the moment Mr. Cortelyou does that, of course, he leaves all presidential ambition behind. His candidacy is crushed out and the President is strengthened to that extent.

No one realizes that now better than Mr. Cortelyou's predecessor, ex-Secretary Shaw. He had the presidential bee. If he had stayed in the treasury he could have had the delegates from Iowa, Kansas, Nebraska and Missouri, a nice big bunch of votes. His prospects of those votes have entirely faded away. He is talked of no more as a presidential candidate. Since he went to New York the way of presidents of trust companies has not been easy. Ex-Secretary Shaw's salary is still coming to him regularly and it is a generous salary but he has reason to regret that he did not hold on to the \$12,000 a year as Secretary of the Treasury a little longer and continue in politics for a while till after the National convention had selected a nominee.

ERNEST G. WALKER.

McKINLEY'S MEMORY HONORED

Fishmarket the Scene of Big Gathering Yesterday.

(From Thursday's Advertiser.)

"The Old Fishmarket" was hardly recognizable yesterday afternoon, so transformed had it been by the decorations of banners, flags, flowers and palms placed there for the first open air entertainment under the auspices of the Kilohana Art League in honor of the memory of the martyred President, William McKinley. As arranged, the at present useless building proved artistically up to the expectations of the hundreds who visited it and remained for the program of music and addresses prepared, but so far as being a place where music and addresses could be heard the hopes of the Kilohana workers were not borne out by the reality.

In competition with the booms of the steam whistles of the vessels and dredgers in the harbor, the blasts of the deep-toned whistle of the electric light power house across Alakea street, the droning of the street car wheels and the clanging gongs and the rattle of passing vehicles the voices of the speakers could not be heard with any degree of satisfaction fifty feet away from the stand from which they spoke. The music of the Hawaiian band was heard to excellent advantage, however, and the chorus singing of the school children could also be heard with distinctness.

Among the hundreds who gathered to do honor to the memory of McKinley were many of the most prominent citizens of the community. The Superintendent of Public Works, Marston Campbell, presided, while the guests of the league were met at the decorated entrance facing the waterfront by a committee of league members, including Secretary and Mrs. E. A. Mott-Smith, Mrs. Mott-Smith Cunningham, ex-Governor A. S. Cleghorn, Mr. and Mrs. B. F. Dillingham, Mr. and Mrs. W. H. Hall, Justice and Mrs. S. M. Ballou, Dr. and Mrs. George Augur, Miss Anna Parke, Mrs. L. Abrams, Mrs. Walter Coombs, Mrs. C. Booth, Mrs. L. G. Marshall, Mrs. A. B. Tucker, Mrs. E. I. Spalding, Miss Alecia Spalding, Miss Charlotte Hall, Miss Cordie Carden, Miss Anna Tucker, Mrs. A. G. Hawes Jr., Mr. and Mrs. D. Howard Hitchcock and Mrs. W. M. Graham, who greeted the guests, pointed out the advantages of retaining the building for such purposes as the one yesterday, and explained the plans of the league, as outlined on the drawings placed where all could see near the entrance.

Within the building was draped and decorated with hundreds of flags, the auditorium being fenced off from the outer wings of the building by palm leaves woven through wires. At the makai end of the auditorium a great stage had been erected, on which sat the members of the Hawaiian band and some hundreds of children, pupils from the Kaulani, Royal and Kaahumanu schools. A stand, from which the speakers made their addresses, was erected before the stage.

In seating arrangement, decorations and general appearance the place could hardly have been improved upon, the great contrast between the building as it appeared yesterday and its usual bare and bleak, not to mention dirty, appearance being generally commented upon. The credit for the decorations belongs to a large extent to Mrs. L. Abrams, who collected the flags and designed their arrangement. She was assisted by the other members of the decoration committee, Miss C. Carden, Mrs. C. Booth and Sister Gertrude.

THE ADDRESSES.

The three addresses delivered were devoted to pointing out the advantages of town halls in general and, in the final address by Judge Kingsbury, to the advantages of the fishmarket building as a town hall in particular.

Rev. Dr. Scudder, spoke first on the town halls of Greece and Rome, where public news was discussed, affairs of towns settled and the amusements occurred. These public gathering places were the centers of the civic life and the pulse of the communities.

Enlarging on this and speaking along the same general lines, Bishop Restarick spoke briefly on the modern town hall, the market places of the Old World and the great auditoriums and stadiums of the New World, the benefit they were to the people and the effect for good they were in supplying places where the affairs of the public could be discussed and where amusements and entertainments could be given.

"Immediate" town halls were discussed by Judge Kingsbury, who pointed out the necessity of some such a place in Honolulu, where there was at present no unity among the people and races gathered together. In Honolulu was everything to make a city but the one thing, unity. He referred to



JUDGE KINGSBURY, ADVOCATE OF THE SCHEME FOR CONVERTING THE FISHMARKET INTO A TOWN HALL.

the recently enacted municipal law as one thing in the direction of bringing the community into a political unity "provided the courts can agree with the Legislature long enough to allow it to breathe the vital air." He concluded his address as follows: "But we do have a voice in the making of this a beautiful city in every way. We do have a voice in making Honolulu to so subordinate its particularities, so harmonize its differences, so unite all its powers for good, as to make it the diamond of the ocean, shining in every color, so blended as to be one luminous brilliant."

"And to this end our voice is for unity; is for everything that will tend to promote unity. Is for this town hall, or town park, or town meeting place; a place where people come together for some good public purpose as from time to time unity of spirit and design moves them. Not a city hall where officers keep their offices. Not a place that reminds of commands, of demands, and of taxes. But a place for public speaking on public questions; a place for bands of music, a place for songs, concerts, fairs, bazaars, political meetings, social entertainments, for great functions, official and otherwise, concerts, sacred and secular. In short a place where all the public beneficence of a city may express itself, be seen and felt, until the better elements of our endless variety unite, crystallize and shine, making Honolulu in the social, political and moral world, the Diamond Head of the Pacific."

"Such a place as this can be a great factor in promoting unity."

"There is for this a fitness about this shelter and its surroundings. They speak of Honolulu. They look like Honolulu. There is adaptability here. Honolulu needs no shut in town hall; it needs no room, no thick walls to keep out the cold. It needs what this is—a grand lanai. The Irishman said, 'The best rooms in every Honolulu house are out of doors.' He was right. Our lanais are our best rooms. So our city wants for its great meeting place, a grand lanai."

"And if such place stands for not

OLD DECISION IS CONTROVERTED

(From Thursday's Advertiser.)

Judge Lindsay denied the motion for a new trial of Oliver Kane, convicted of burglary in the second degree and sentenced to five years at hard labor. The motion was based on a decision by Justice Allen in the 2nd Hawaiian Reports, to the effect that, while the jury may find a lesser offense than that charged, the verdict must yet be supported by the evidence.

In this case the evidence was clearly of burglary in the first degree, which is when the house breaking is done at night, yet the jury's verdict was for the second degree.

Judge Lindsay in ruling expressed the opinion that Justice Allen was wrong in his interpretation of the law.

Enos Vincent, counsel for defendant by assignment, presented the motion. As his services are voluntary in the circumstances, it may be that he will not appeal from the ruling at his own expense, however interesting it might be to have the point in question finally decided.

BRASH ESTATE CONTEST.

Albert F. Judd, guardian of the late Susan Brash, has filed exceptions to the supplementary report of Job Batchelor, master, on his final accounts.

THE AFOG CASE.

Samuel M. Damon and A. W. T. Bottumley, composing the firm of Bishop & Co., bankers, have made an answer as respondents in the Afof case. Mrs. Afof kept an account and her attorney in fact a special account with them before the beginning of the suit, but they do not know and can not say whether any of the accounts consisted of moneys or property made up from the so-called trust fund. Since the institution of the suit they loaned Mrs. Afof \$35,000 on her promissory note, secured by the deposit of certain stocks as already reported. This loan was required to perform her part of the compromise made in the case, and these defendants plead such compromise, like the other respondents who have answered, in bar of the present suit of Bessie B. Burns.

Judge Lindsay yesterday, on motion of A. Perry for eight respondents, allowed until Monday for filing answers in the Afof case.

CLAIMS ASSERTED.

Defendants in the partition suit of Maliana vs. Leilehua Kamakea and three others have filed an answer, in which they state their claims to the land at Kalihi in question, leave plaintiff to prove of her allegations and ask to be dismissed with their costs.

COURT ITEMS.

A bill of exceptions has been filed by Kona Development Co. and F. B. McStocker to Judge De Bolt's ruling in the matter of arbitration between those parties and M. E. Scott.

Charles S. Desky, L. C. Abies and G. A. Schuman make a general denial to the complaint of C. W. Booth against them.

What the Kidneys Do

Their Unceasing Work Keeps Us Strong and Healthy.

All the blood in the body passes through the kidneys once every three minutes. The kidneys filter the blood. They work night and day. When sickness they remove about 300 grains of impure matter daily, waste unhealthy some part of this impure matter is left in the blood. This brings on many diseases and symptoms—pain in the back, headache, nervousness, hot, dry skin, rheumatism, gout, gravel, disorders of the eyesight and hearing, dizziness, irregular heart, debility, drowsiness, dropsy, deposits in the urine, etc. But if you keep the filters right you will have no trouble with your kidneys.

W. J. Maxwell, of Honolulu, writes thus: "I suffered with a horrible pain in the small of my back (an almost invariable symptom of kidney trouble) for a number of years. I was advised to take some of Doan's Backache Kidney Pills, and following the suggestion I went to the Hollister Drug Co.'s store, Fort Street, and got some of these. Having taken them, they relieved me straight away, and are, I may say, the best and in fact the only cure for backache. I have mentioned the virtue of this wonderful remedy to several persons, among whom is a friend, who found relief, and is now a firm believer in Doan's Backache Kidney Pills."

Doan's Backache Kidney Pills are sold by all chemists and druggists at 50 cents per box, six boxes \$2.50, or will be mailed on receipt of price by the Hollister Drug Co., Honolulu, wholesale agents for the Hawaiian Islands.

HIT BY A CAR.

As the first mate of the steamer Maui was alighting from a hack on King street, just beyond Alapai, to go to his home on the makai side of King street, he lurched into a passing King street car, about 6:25 o'clock last evening. He seems to have been struck by one of the stanchions and knocked down. There was a contused wound in the forehead and another one on the leg below the knee. Neither is serious, though he will probably be laid up for a week or so, the doctor thinks.

OVER ONE MILLION ASSESSMENTS FIXED

Ten judgments on income taxes of as many sugar planting corporations were entered in the Supreme Court yesterday. These are cases in which the appellate court heard evidence that had been ruled out by the Tax Appeal Court, so that this is an original adjudication of the income tax assessments of these corporations. In the cases of the judgments previously reported, the corporations had not taken the offered opportunity of putting in evidence, and, along with the disallowance of exemption for depreciation, the court merely declared the assessments as made by Assessor Holt affirmed without stating the amounts.

The assessments of net income subject to taxation fixed by the Supreme Court, which aggregate over a million dollars and will yield about \$24,000 in taxes, are as follows:

Total \$1,199,174 96

DESERTING HUSBANDS SUED BY THEIR WIVES

Guy Livingston, lately a clerk in the Auditor's office and well-known as an amateur entertainer, is sued for divorce by his wife, Winifred K. The grounds alleged are desertion and absolute failure to provide maintenance for the past seven months. Married July 22, 1903, the couple have one child, a girl named Dorothy three years old. Mrs. Livingston prays for custody of the child, as well as costs and attorney's fee, in addition to dissolution of the bonds of matrimony. Livingston went to the Coast some time ago but cannot be located.

Papers have come from Maui for service in a divorce suit brought by Rachel Wiegandt against Paul Wiegandt, who is believed to be in Oregon. They were married in Makawao, Maui, Dec. 8, 1904, but since February following the husband has given no support to the wife. She desires to resume her maiden name of Rachel Wange.

Abbie Kekoa Seville of Hilea, Kan., prays for divorce from John Henry Seville, accusing him of unlawful relations with a Japanese woman named Yonke.

Yoshi Fugumoto, married to Ieki Fugumoto in Japan in 1904, now sues him for divorce, saying he deserted her at Koloa, Kauai, and came to Honolulu, leaving her without support.

Judge Lindsay gave Joseph Kanoho ten days from yesterday to plead to his wife's libel for divorce.